IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.Rev.Pet.No. 504 of 1999()

CRA.106/1996 of SESSIONS COURT, THRISSUR
ST.481/1995 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR
.....

REVN. PETITIONER/APPELLANT/ACCUSED

RAJITHAN, AGED 37 YEARS,
S/O.KURIYAKKOTTU CHANDRASEKHARAN,
THRITHALLOR DESOM, VATANAPPILLY
VILLAGE, CHAVAKKAD TALUK.

BY ADV. SRI.RAJIT

RESPONDENT/RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
GOVERNMENT PLEADER, HGIH COURT OF KERALA.

BY PUBLIC PROSECUTOR MR.P.RAVINDRA BABU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K. BALI, C.J.

Crl.R.P.No.504 of 1999

Dated, this the 22nd day of November, 2006

ORDER

V.K.Bali,C.J.(Oral)

The petitioner was tried for offences under Sections 279 and 338 of the Indian Penal Code and sentenced to undergo simple imprisonment for two months vide order dated 20th March, 1996 passed by the Judicial Magistrate of I Class, Kodungallur. In the appeal preferred against the order aforesaid the sentence was modified to rigorous imprisonment for a period of 15 days and to pay a fine of Rs.1000/- and in default of payment of fine to undergo simple imprisonment for a period of one month, vide order dated 29th May, 1999 passed by the learned Sessions Judge, Thrissur. It is against this order that the present revision has been filed.

2. The learned counsel appearing for the petitioner without joining issues on the merits of the case contends that the occurrence pertains to the year 1995 and in the manner aforesaid the petitioner has already suffered agony of a protracted trial spanned over a period of more than 11 years and he may not

be sent to serve a jail term at this distance of time.

3. In totality of the facts and circumstances of the case, this Court is of the view that interests of justice will be served if while maintaining the order of conviction the petitioner is rather asked to pay a fine of Rs.1500/- (One thousand five hundred) instead of undergoing the jail term. Ordered accordingly. If the fine as mentioned above is not paid the petitioner would undergo the jail term as imposed by the lower appellate court.

Revision petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

vns